REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Amendments

In this After-Final Amendment no claims are added, claims 57, 59, 66 and 71 are amended, and claims 76-79 are canceled (claims 1-56 were previously canceled). As a result, claims 57, 59-75 and 79 are now pending in the application, following entry of this Amendment. The Amendment incorporates dependent claims 58 and 76-78 into their respective independent claims. (Note: claim 76 depends from independent claim 57 via claim 58, both of which are incorporated into claim 57.) Entry of this After-Final Amendment is believed to be proper at this juncture since the Amendment simplifies issues for appeal and should not be the cause of any further search or consideration.

Status of the Rejections

In the final Office Action of December 6, 2007, claims 57-64 and 66-75 are rejected under 35 U.S.C. §102(e) in view of U.S. Patent 6,219,839 (Sampsell). Claim 65 is rejected under 35 U.S.C. §103(a) in view of the Sampsell patent and further in view of the U.S. Patent 6,993,789 (Sezan).

§102/§103 Rejections in view of Sampsell / Sezan

The §102 rejection of claims 57-64 and 66-75 in view of Sampsell and the §103 rejection of claim 65 in view of the Sampsell / Sezan hypothetical combination are respectfully traversed for at least the following reasons.

The Background section of this application discusses a drawback of conventional electronic program guides (EPGs) wherein they are only capable of displaying information for tuning devices that are directly coupled with an information handling system associated with the EPG. These conventional EPG systems cannot display information for tuning devices that may be coupled to a peripheral device or a different television set.

Previous Arguments: Rather than repeat the Remarks of the previous response filed August 17, 2007, these arguments are hereby incorporated by reference, in particular, the arguments of the paragraph spanning pages 10-11 of the August 17, 2007 Amendment. It is requested that these arguments be reconsidered in light of the present amendments.

Present Claim Amendments: In the rejection of claim 76 (now incorporated in to claim 57) the Office proposes to consider receiver 12 as an information handling system comprising a first television display device, and then further proposes that this same receiver 12 also includes a "display monitor" as recited in claim 76. The Sampsell receiver 12 does not include both a television display device and an information system display monitor. Therefore, it is respectfully submitted that Sampsell does not disclose "an information handling system coupled to the network and comprising a processor and a display monitor [and] a first television display device configured to receive and display said electronic program guide," as recited in claim 57. Sampsell also does not disclose an "coupling an information handling system comprising a

display monitor directly to a first tuning device [and] displaying the electronic program guide on a television display device in communication with the information handling system," as recited in claim 66. Sampsell also does not disclose an "information handling system comprising a display monitor and being directly coupled to the first tuning device [and] displaying the electronic program guide on a television display device in communication with the information handling system," as recited in claim 71.

In the event the rejection is maintained, it is respectfully requested that the next paper from the Office explain how the Sampsell patent is being construed to meet these claimed features.

Accordingly, it is respectfully submitted that the Sampsell patent does not disclose the features of the claimed invention. Regarding the §103 rejection of claim 65, it is respectfully submitted that the Sezan patent does not overcome the aforementioned deficiency of Sampsell. Consequently, Sampsell and Sezan, either taken singly or as a hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the pending rejections is earnestly requested.

Traversal of Inherency

The Office Action contends that Sampsell's Receiver 12 falls within the scope of "an information handling system coupled to the network and comprising a processor" recited in claim 57 because "receiver 12 inherently comprises a processor since data processing software is used."[1] It is noted that the requirements inherency are quite strict, and for this reason it is believed that receiver 12 of Sampsell does not inherently comprise a processor. The standard for finding a feature to be inherent is set forth in MPEP §2112 which states:

> The fact that a certain result or characteristic **may occur or be present** in the prior art is not sufficient to establish the inherency of that result or characteristic.[2]
>
> The mere fact that a certain thing **may result** from a given set of circumstances is not sufficient.[3]

[1] Office Action of June 12, 2007, section 4, page 3 (emphasis added).
[2] MPEP §2112 quoting In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (emphasis added).
[3] MPEP §2112 quoting In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Hence, if it is possible that Receiver 12 of Sampsell does not include a processor then the allegation of inherency is improper. We do not know for sure. Sampsell states that "[s]uch a selection may activate receiver 12's data processing software and link that software to the associated data stream.[4] We do not necessarily know that some unnamed processor in the Sampsell device acts upon the data processing software. It could be possible that the software may simply be linked to the associated data stream for processing elsewhere. Because of this possibility the allegation is inherency is not well founded. Therefore, it is respectfully requested that the rejection be withdrawn.

[4] Sampsell, col. 5, lines 46-48 (emphasis added).

Deposit Account Authorization / Provisional Time Extension Petition

It is believed that no extension of time or fees are required for this filing. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571)970-6835 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

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Date: XXX

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